

CG6-CC-1078

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Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. D. 20554

In the Matter of:)
)
CENLA NEWS WEEKLY) CSR _____
Petition for Exemption from)
Closed Captioning Requirements)

**PETITION FOR EXEMPTION FROM CLOSED CAPTIONING
REQUIREMENTS**

CENLA NEWS WEEKLY, hereinafter CNW, respectfully submits its request that the Commission grant its **Petition for Exemption from Closed Captioning Requirements**, regarding its video television program of the same name, based upon the clear weight of the evidence submitted by CNW with this Petition and accompanying information attached hereto, as Exhibit A, Affidavit of Christopher D. Tyler.

I. Introduction

CNW is a weekly thirty (30) minute production first aired in June 2010 on KALB-005-2, that is a CBS affiliate, in Alexandria, Louisiana. The program is general local information and local events and primarily intended to answer the question, "What is going on in Cenla? (central Louisiana).

In the interests of continuing to provide a unique and fresh programming format that is informative, lively, and addresses the diversity of interests and views in central Louisiana, CNW petitions for exemption from the closed captioning requirements under Sections 79.1(d)(8) and 79.1(f) of the Commission's rules.

II. Local production of non-news programming with no repeat value.

The Commission's rules provide for a direct exemption for 47 CFR 79.1(d)(8) entities. CNW qualifies for this exemption. It is a locally produced, distributed, non-news program, and has no repeat value. It is a program of local public interest only, and is not a news program. The "electronic news room technique" is not available for closed captioning. These facts alone should operate to allow CNW a direct exemption of the closed captioned requirement.

III. Cost Burden Imposed by Captioning Requirements

The costs of captioning does and would continue to impose an undue burden on CNW as a video programming provider due to the significant difficulty and expense such a process entails.

Undue burden is determined when the Commission considers the following factors: 1) nature and costs of the closed captioning for the program, 2) impact on the operator of the provider/program owner, 3) financial resources of the provider/program owner, and 4) type of operation of the provider/program owner. See: 47 USC Sec 613(e) and 47 CFR Sec 79.1(f).

CNW is a small sole proprietorship of its owner Christopher D. Tyler. Tyler purchases a 30 minute spot weekly on one of the local central Louisiana television stations for \$300.00 per spot. All production is done in house in the conference room of his business and all participants are volunteers and are uncompensated. All costs of production are borne by Tyler, and all materiel and equipment used are his.

In the local area there are no commercially available vendors for the closed captioning process. Presently, a secretary/transcriptionist is retained to view the program as part of post production work, and transcribes the spoken dialogue of the program. That process usually requires 4-5 hours of work and payment for the secretary/transcriptionist varies from \$50-\$75per hour, or \$375.00 per program, which is more than the purchase price for the time airing the program.

The anticipated annual costs for the purchase of air time is \$15,000.00 and projected cost for the captioning will approach if not exceed \$18,750.00. The nature and cost for the closed captioning for CNW clearly has a negative, if not fatal, impact on the producer's ability to continue with the project. Requiring this expenditure imposes such an undue burden on CNW that this expense alone may well cause the termination of CNW programming.

CNW derives its entire income, none as yet for the year 2010, from the local advertisers who pay for commercials to be aired during the program. CNW has

sought potential sponsors of the program, but due to the nature of the program being more in the platform of community service, none have expressed a desire recognizing the financial commitment required.

The financial resources of the provider/program owner and the type of operation of the owner also have an affect on the sustainability of the program. As stated earlier, Tyler is the sole proprietor of CNW. His interests and all the interests of the volunteers are for community benefit and any experience that may be gained. It was envisioned that CNW with the small advertising revenue to be obtained would be sufficient to make the program self-sustaining. To further assist the Commission, the affidavit of Christopher D. Tyler, the sole owner and source of operating funds for CNW is attached, providing sworn financial and historical testimony to supplement this Petition. It is believed that the sworn statements offered herein corroborate the facts of this Petition

IV. Conclusion


CNW has shown the Commission that it should qualify for direct exemption under the rules concerning local production and non-news with no repeat value. CNW has further offered that the hard costs necessary for the service of closed captioning were CNW required to continue to that service, would costs tens of thousands of dollars which are well above its anticipated self-sufficient annual

budget. CNW's economic viability now lies in the sound discretion of the Commission, as the burden of closed captioning may well lead to CNW's demise. By this Petition, CNW wishes to emphasize its desire to continue production services with the hope that someday it will be able to afford and absorb the costs of production attendant to the worthwhile service of closed captioning.

Wherefore, CNW respectfully requests the Commission grant its Petition for Exemption from Closed Captioning Requirements, based upon the clear weight of evidence submitted by CNW in the Petition, under the Commissions Rules.

Dated: December 6, 2010.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "B. Gerald Weeks", is written over a horizontal line.

B. Gerald Weeks

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318-442-3045
Counsel for Cenla News Weekly

AFFIDAVIT

STATE OF LOUISIANA

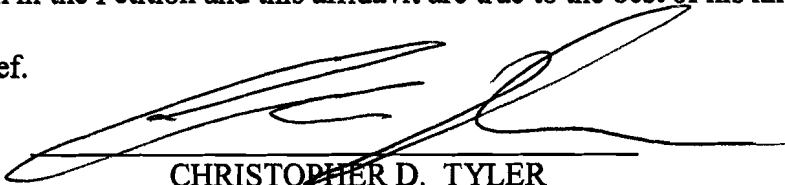
PARISH OF RAPIDES

BEFORE ME, the undersigned Notary, personally came and appeared:


CHRISTOPHER D. TYLER

who after first being duly sworn did depose and say that:

1. He is the owner of and sole proprietor of Cenla News Weekly, CNW, and has been since its inception and the airing of its first program in June, 2010.
2. He has read the Petition for Exemption From Closed Captioning Requirements, to which this will be attached, and he assisted in its preparation, and agrees with the facts set forth therein.
3. He presently produces the 30 minute weekly airing of CNW, and has derived no income to offset his personal expenses for production.
4. He has been unsuccessful at procuring a permanent sponsor for the program to help defray the expense of transcribing the dialogue of the program. There are no facilities which provide close captioning in the area upon which he may seek assistance in providing that service. The use of a secretary/transcriptionist is the only prohibitively expensive means to accomplish the result.
5. He desires to continue with the program, but his resources are limited, and the captioning burden will cause the project to cease.
6. All of information in the Petition and this affidavit are true to the best of his knowledge, information and belief.


CHRISTOPHER D. TYLER

Sworn to and subscribed to before me, Notary on the December 6, 2010.

**NOTARY
B. GERALD WEEKS**

Bar #13306

Notarial #19794

My Commission is for Life